

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

L. WALDO MATTHEWS and
JAMES MATTHEWS,)
)
Plaintiffs,)
)
v.) 1:06CV01017
)
WYNDHAM VACATION RESORTS, INC.,¹)
f/k/a Fairfield Resorts, Inc.,)
a/k/a Fairfield Glade Resort,)
)
Defendant.)

ORDER AND JUDGMENT

OSTEEN, District Judge

In this Standing Order 30 proceeding, the Magistrate Judge has recommended that Defendant's motion to dismiss be granted as to all claims and the action dismissed without prejudice. Plaintiff filed a timely objection to the Recommendation.

This court has conducted a review of the file and has determined that the Recommendation of the Magistrate Judge is appropriate and should be adopted.

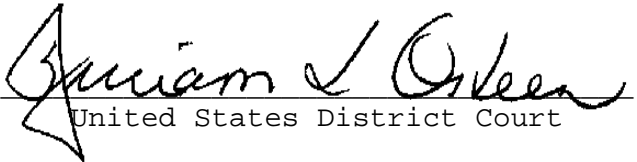
For the reasons set forth in the Magistrate Judge's Recommendation of February 8, 2007,

IT IS ORDERED AND ADJUDGED that Defendant's motion to dismiss is GRANTED as to all claims and the action is dismissed without prejudice.

¹ Defendant advises the court that it is incorrectly identified as "Fairfield Glade Resort," and that it should be identified as Wyndham Vacation Resorts, Inc., f/k/a Fairfield Resorts, Inc. (Def.'s Mem. Support Mot. Dismiss at 1.)

IT IS FURTHER ORDERED that the clerk of court amend court records to reflect Wyndham Vacation Resorts, Inc., f/k/a Fairfield Resorts, Inc., as a party to this action.

This the 20th day of April 2007.


United States District Court